

# Chevy Chase Village Board of Managers

April 9, 2012

*Draft*

*Note: These draft minutes reflect the Board's actions only, and do not include testimony given by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance. An audio recording of this meeting is available on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or by request to the Village office.*

## BOARD OF MANAGERS

Patricia S. Baptiste, Chair	Present
Peter T. Kilborn, Vice Chair	Present
Allison W. Shuren, Secretary	Present
Richard Ruda, Assistant Secretary	Present
Lawrence C. Heilman, Treasurer	Present
Gary Crockett, Assistant Treasurer	Present
David L. Winstead, Board Member	Present

## STAFF

Shana R. Davis-Cook, Village Manager	Present
John Fitzgerald, Police Chief	Present
Michael W. Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Jacqueline A. Parker, Acting Administrative Assistant	Present

1  
2 **LEGAL COUNSEL**

3 David R. Podolsky, Village Counsel

Present

4  
5 Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the  
6 meeting to order at 7:32 p.m.  
7

8 **Approval of Minutes from the Board's March 5, 2012 Budget Work Session**

9 Action to approve the minutes of the Board's Budget Work Session held on Monday, March 5,  
10 2012.  
11

12 *Mr. Kilborn moved to approve the minutes from the Board of Managers' Budget Work Session*  
13 *held on March 5, 2012, as drafted.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr.  
14 Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of  
15 the motion. The motion passed.  
16

17 **Approval of Minutes from the Board's March 12, 2012 Regular Meeting**

18 Action to approve the minutes of the Board's regular monthly meeting held on Monday, March  
19 12, 2012.  
20

21 *Mr. Kilborn moved to approve the minutes from the Board of Managers' regular monthly*  
22 *meeting held on March 12, 2012, as drafted.* Mr. Crockett seconded the motion. Ms. Baptiste,

1 Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor  
2 of the motion. The motion passed.

3  
4 **Appeals**

5 **A-6112 (Variance Request): Dr. and Mrs. Charles Bahn, 118 Hesketh Street.** To construct a  
6 new roof on an existing garage, the gutter of which would encroach a maximum of eight and  
7 one-quarter ( $8\frac{1}{4}$ ) inches into the five (5) foot side (east) yard setback. The edge of the proposed  
8 roof would align with the edge of the existing roof and the gutter of the proposed roof would  
9 project an additional five (5) inches farther into the setback than the existing roof.

10  
11 *Dr. Heilman moved to direct staff to draft a decision approving the variance request to construct*  
12 *a new roof on an existing garage, the gutter of which would encroach a maximum of eight and*  
13 *one-quarter ( $8\frac{1}{4}$ ) inches into the five (5) foot side (east) yard setback.* Mr. Crockett seconded  
14 the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and  
15 Mr. Winstead voted in favor of the motion. The motion passed.

16  
17 **A-6113 Variance Request: Mr. & Mrs. John Campanella, 22 Hesketh Street**

18 To construct a second floor over an existing one-story sunroom, the soffit of which encroaches a  
19 maximum of six and one-half ( $6\frac{1}{2}$ ) inches into the seven (7) foot side (east) yard setback.

20  
21 The applicants submitted an amended application prior to the hearing, in which the soffit was  
22 proposed to encroach a maximum of three and one-eighths ( $3\frac{1}{8}$ ) inches into the seven (7) foot  
23 side (east) yard setback.

1  
2 *Mr. Ruda moved to direct staff to draft a decision approving the variance request per the*  
3 *amended application dated April 8, 2012 to construct a second-floor addition over an existing*  
4 *one-story sunroom, the soffit of which would encroach a maximum of three and one-eighth (3*  
5 *1/8) inches into the seven (7) foot side (east) yard setback. Mr. Crockett seconded the motion.*  
6 *Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead*  
7 *voted in favor of the motion. The motion passed.*

#### 8 9 **Treasurer's Report**

10 The Treasurer's report was distributed to the Board prior to the meeting.  
11

12 *Mr. Crockett moved that the Village adopt a resolution that it will be Village policy that, when*  
13 *both restricted funds and unrestricted funds are available, restricted funds should be used*  
14 *preferentially for any expense that satisfies the restrictions and that this policy take effect*  
15 *beginning of the 2013 Fiscal Year. Dr. Heilman seconded the motion. Ms. Baptiste, Mr.*  
16 *Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of*  
17 *the motion. The motion passed.*  
18

#### 19 **Police Report**

20 The Police Report was circulated prior to the meeting. No action was taken by the Board.  
21

22 Ms. Baptiste advised the Board that she and Chief Fitzgerald would be meet to further discuss  
23 safety concerns raised in a memorandum from Chief Fitzgerald related to Chevy Chase Circle. .

1  
2   **Legal Counsel Report**

3   The Legal Counsel Report was distributed prior to the meeting. No action was taken by the  
4   Board.

5  
6   **Committee & Commission Appointments**

7  
8   **Appointments to the Tree Ordinance Board**

9   A slate of candidates for appointment to the newly formed Tree Ordinance Board was circulated  
10  to the Board of Managers prior to the meeting.

11  
12  *Mr. Kilborn moved to appoint the following slate to the Tree Ordinance Board:*

13  Members:

14  *Michael Denger, 5802 Kirkside Drive (temporary member and Chair), Term Expiring April 2013*

15  *Samuel Lawrence, 100 East Lenox Street, Term Expiring April 2014*

16  *Bliss Ryan, 5414 Grove Street, Term Expiring April 2015*

17  Alternates

18  *Nina Bang-Jensen, 4029 Oliver Street, Term Expiring April 2014*

19  *Jay Treadwell, 5420 Grove Street, Term Expiring April 2013*

20  
21  Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr.

22  Heilman, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.

1   **Old Business & Status Reports**

2   **Board Action on Resolution No. 10-01-10:** Amendment to Chapter 13 of the Village Code to  
3   delete provisions which are redundant, unnecessary or pre-empted by State law; to amend  
4   Section 6-5 of the Village Code to reflect the new section numbers and letters which will result  
5   from the amendments to Chapter 13; to increase certain fines for violations of Chapter 13; to  
6   correct a cross-reference in Section 6-5; and to increase the fine for a violation of the Permit  
7   Parking Ordinance

8  
9   *Mr. Crockett moved approval of Resolution No. 10-01-10, as drafted.* Mr. Ruda seconded the  
10   motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr.  
11   Winstead voted in favor of the motion. The motion passed.

12  
13   **Washington Suburban Sanitary Commission Water Main Replacement Project Update –**  
14   **Phases 2 & 3**

15  
16   Mr. Younes advised the Board that WSSC estimated Phase 1, which encompasses 2 miles of  
17   roadway on the west side of the Village, should be finished by the end of May 2012. Phase 2  
18   and 3 are in the design phase at this time. Once all three phases have been completed, a total of  
19   almost five (5) miles of water mains will have been replaced. The estimated date for  
20   construction to start on Phase 2 is December 2012/January 2013. Phase 3 is expected to begin  
21   around January/February 2013. During Phase 3, a small portion of water main which exists  
22   under Belmont Avenue (commonly referred to as the “Buffer Area”) may be affected as WSSC  
23   tunnels under the area where it intersects with Montgomery Street. WSSC would be liable for

any damage incurred. Following each phase of work, WSSC and the Village will enter into an agreement for the repaving of affected portions of Village streets.

WSSC also plans to replace sections of sewer pipe; however, this work is still in the planning stages and is expected to be non-invasive.

#### **Contract Amendment**

#### **Professional Services for final Design Work and Project Management for the Renovation of the Public Works Department's Offices and Facilities (*Studio Crowley/Hall*).**

A staff report and copies of the contract amendment were distributed to the Board prior to the meeting.

*Mr. Ruda moved approval for the Village Manager to amend the current professional services contract with Studio Crowley/Hall, PLLC for architectural services, namely design work and project management, for the renovation of the Public Works Department's Offices and Facilities, in an amount not to exceed \$27,100.* Mr. Kilborn seconded the motion. Ms. Baptiste, Mr.

Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.

#### **New Business**

#### **Public Hearing**

Proposed Operating and Capital Budgets and Real and Personal Property Tax Rates for FY2013 (July 1, 2012 through June 30, 2013)

1 Ms. Baptiste called for comments from the floor. Mr. Kilborn raised concerns regarding the  
2 extent of the sidewalk replacement project, namely the cost to replace sidewalks along the Buffer  
3 and around the Village Hall that were shown in the CIP for FY2015. Angela Lancaster of 17  
4 West Kirke Street and Lisa Sanders of 5700 Cedar Parkway also questioned the out-year  
5 projected spending for the sidewalk replacement project. Diane Kartalia of 5412 Grove Street  
6 asked the Board to ensure that sufficient monies remained for a future investment into the  
7 development of the Chevy Chase Open Space park. No additional comments were received.

8  
9 *Mr. Kilborn moved to direct Counsel to draft Resolutions approving the proposed FY2013*  
10 *Operating and Capital Budgets and the proposed Real Property Tax Rate of \$.1005 per \$100 of*  
11 *assessed value and a Personal Property Tax Rate of \$.66 per \$100 of assessed value. Mr.*  
12 *Winstead seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman,*  
13 *Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

14  
15 **Introduction and Board Action on Resolution No. 04-01-12:** An Ordinance to amend Section  
16 8-13 of the Chevy Chase Village Code to authorize the Building Officer and Village Manager to  
17 waive the 15-day notice and comment period in Section 8-13(d) for the replacement of non-  
18 conforming external air conditioners, generators and heat pumps upon a showing of good cause.

19  
20 *Mr. Crockett moved approval of Resolution No. 04-01-12, as drafted. Dr. Heilman seconded the*  
21 *motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr.*  
22 *Winstead voted in favor of the motion. The motion passed.*



1 Village Counsel was excused for the remainder of the meeting.

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3 **Manager's Report**

4 The Manager's Report was circulated prior to the meeting. No action was taken by the Board.

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6 **Staff Reports**

7 **Building and Tree Removal Permits and Permitting & Code Enforcement Activity Reports**

8 The Building and Tree Removal Permit and Permitting & Code Enforcement Activity Reports  
9 were circulated prior to the meeting. No action was taken by the Board.

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11 **Capital and Infrastructure Upgrade Projects Report**

12 The Capital Infrastructure Upgrade Projects Report was circulated prior to the meeting. No  
13 action was taken by the Board.

14  
15 **Village Hall Activity Report**

16 The Village Hall Activity Report was circulated prior to the meeting. No action was taken by the  
17 Board.

18  
19 *Mr. Crockett moved to adjourn the meeting.* Mr. Ruda seconded the motion. Ms. Baptiste, Mr.  
20 Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of  
21 the motion. The motion passed. The meeting adjourned at 8:53 p.m.

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4 *Reviewed by: MWY, SD-C; 4/13/12*

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Secretary, Chevy Chase Village Board of Managers